

Sisk, Richard

From: Richard Sisk <Sisk.Richard@epamail.epa.gov>
Sent: Friday, September 19, 2014 9:06 AM
To: Sisk, Richard
Subject: Fw: Briefing for Jim Martin on Wednesday, May 23
Attachments: Brfg to JMartin 15MAY12 sisk edits_srw.docx

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----- Forwarded by Richard Sisk/R8/USEPA/US on 09/19/2014 09:05 AM -----

From: Steve Wharton/R8/USEPA/US
To: Richard Sisk/R8/USEPA/US@EPA
Cc: Paula Schmittiel/R8/USEPA/US@EPA, Murray.bill@epa.gov, "Steve Wharton" <wharton.steve@epa.gov>, John Works/R8/USEPA/US@EPA, Kelcey Land/R8/USEPA/US@EPA
Date: 05/22/2012 01:49 PM
Subject: Re: Briefing for Jim Martin on Wednesday, May 23

My input on the briefing document.

(See attached file: Brfg to JMartin 15MAY12 sisk edits_srw.docx)

Richard Sisk---05/22/2012 01:12:40 PM---Comments on the Hot Topics. Richard Sisk Attorney

From: Richard Sisk/R8/USEPA/US
To: Paula Schmittiel/R8/USEPA/US@EPA
Cc: Murray.bill@epa.gov, "Steve Wharton" <wharton.steve@epa.gov>, John Works/R8/USEPA/US@EPA, Kelcey Land/R8/USEPA/US@EPA
Date: 05/22/2012 01:12 PM
Subject: Re: Briefing for Jim Martin on Wednesday, May 23

Comments on the Hot Topics.

[attachment "Brfg to JMartin 15MAY12 sisk edits.docx" deleted by Steve Wharton/R8/USEPA/US]

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Paula Schmittiel---05/21/2012 06:05:46 PM---Sorry - I pushed the "Send" button before attaching the Hot Topics.
Paula Schmittiel

From: Paula Schmittiel/R8/USEPA/US
To: Paula Schmittiel/R8/USEPA/US@EPA
Cc: Murray.bill@epa.gov, sisk.richard@epa.gov, "Steve Wharton" <wharton.steve@epa.gov>
Date: 05/21/2012 06:05 PM
Subject: Briefing for Jim Martin on Wednesday, May 23

Sorry - I pushed the "Send" button before attaching the Hot Topics.

Paula Schmittiel
Remedial Project Manager
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Paula Schmittiel---05/21/2012 06:04:03 PM---All - Attached in the Hot Topics for briefing Jim Martin. It may be longer than is normal but I tri

From: Paula Schmittiel/R8/USEPA/US
To: Murray.bill@epa.gov, "Steve Wharton" <wharton.steve@epa.gov>, sisk.richard@epa.gov
Date: 05/21/2012 06:04 PM
Subject: Briefing for Jim Martin on Wednesday, May 23

All - Attached in the Hot Topics for briefing Jim Martin. It may be longer than is normal but I tried to organize it so that it will be easy to follow and will hopefully hit all (??) of the major points that need to be covered.

If you think its too long, be my guest at cutting out the unnecessary stuff. Please have your comments to me by COB tomorrow - sorry for the short turn-around time but I have also been working with Richard and Jennifer on draft letters and deed notices for this briefing.

Please use track changes for your comments if possible since I will be T/C tomorrow - Tuesday. If you have any Qs, you can either e:mail me or call me on my cell phone. Thank you.

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[attachment "Brfg to JMartin 15MAY12.docx" deleted by Richard Sisk/R8/USEPA/US]

VB/I-70 – OU-01 REMEDY CHANGE

Briefing for Jim Martin, Howard Cantor

May 23, 2012

BACKGROUND:

- Over 4000 residential properties in OU-01 were sampled and ~ 800 properties were remediated between 2003 & 2006.
- In 2009, the 5 Yr. Review (5YR) report identified 33 properties that had been sampled but had not been cleaned up and 155 properties that had never been sampled.
- **Denial of access** was the reason for not sampling or cleaning up these 188 properties.
- The 5YR determined that the **remedy was not fully protective** and recommended a change to the ROD to incorporate ICs as a component of the remedy.
- **ICs are necessary** to notify current residents and future property owners of potential or actual contamination.
- In past discussions with the State, the City of Denver and community leaders stated that they wanted EPA to cleanup all properties. The City was not interested in adopting and implementing ICs due to the lack of resources to implement them and due to the appearance of the City going against its residents. The State is not requiring that the State Environmental Covenant law be used to implement ICs, based primarily on a policy of not pursuing residential property owners for contamination they did not cause.

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POSSIBLE ISSUES/QUESTIONS:

- Resistance to or concerns with EPA unilaterally recording notices in the property records if property owners deny access.
- NOTE: the notice is only to provide information and will not restrict activities unless local or state requirements apply.
- Why is EPA coming back to these properties only now, knowing for the past 6 years that these properties have potential problems?

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STATE & CITY CONCERNS:

- CDPHE is supportive of EPA's proposed strategy.
- Meeting with City staff on May 9th was positive with no special concerns.

GOALS:

- „Change the remedy to include ICs – specifically prepare and file a notice in the property records for properties that have not been sampled or cleaned up to at a minimum notify future property owners of the potential risk and send an annual mailing to these properties to remind or inform the owner and/or tenant regarding the potential for contamination or the existence of contamination.
- In the past, property owners were not informed that EPA would implement ICs if they did not give EPA access for sampling and or cleanup.
- Since almost 50% of these properties have changed ownership since 2006, the team recommended giving property owners another opportunity to allow access for sampling and/or cleanup.

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OBJECTIVES:

- Gain access to the remaining properties to conduct soil sampling and if necessary clean up contaminated soils.
- Implement ICs and where appropriate integrate the ICs into the State's LUCIP (Land Use Controls Implementation Plan) with City of Denver.

STRATEGY for ACCESS:

- This is **not a community-wide outreach but a focused effort** to contact those property owners where sampling or cleanup has not occurred. Out of 4000+ properties, we are dealing with less than 4% of the total residential properties.
- Letters, phone calls and face-to-face contact will all be used as well as Spanish speakers in contacting the remaining property owners for access to sample and/or cleanup their property.
- There will be **one difference with this effort** to gain access – property owners will be told that a notice would be placed in the property records at the City and County of Denver, Clerk and Recorder's office if EPA does not receive access to sample and/or cleanup their property.

PROPOSED REMEDY CHANGE:

- An Explanation of Significant Differences (ESD) to incorporate ICs as part of the remedy for OU-01 will be prepared to include the following measures:
 - Deed notices on the property to inform future owners of the potential risk.
 - An annual notice to the property owner and/or the tenant regarding the potential for contamination or the existence of contamination.
 - Coordination with CDPHE and the City of Denver on their LUCIP regarding the subject properties.
- After meeting with the State in April, it was decided that the ESD did not need to identify the State's Environmental Covenant law as an ARAR.

SCHEDULE:

- Update of the Site web page and development of a fact sheet.
- Initial community outreach will proceed after Memorial Day with City staff, City Council staff, legislative and congressional staff as well as community leaders.
- Letters to property owners will follow immediately after meeting with community leaders.
- Soil sampling will commence this summer – probably in July.
- Following sampling this summer, owners whose property requires cleanup will be contacted during the winter to prepare the cleanup plans with **cleanup work beginning in Spring, 2013.**

BUDGET:

- Pipeline funding is being used for the sampling this summer.
- The Program has already received approval from HQ for additional Remedial Action funding for any necessary cleanup.

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POSSIBLE ISSUES:¶

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<#>NOTE: the notice is only to provide information and will not restrict activities unless local or state requirements apply. ¶
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STATE & CITY CONCERNS:¶

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